

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON THURSDAY, FEBRUARY 16, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan. Ms. Crump was not present.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Price moved to approve the minutes of the February 6 Public Hearing, Mr. Messer second, all voted in favor.

Mr. Schmidt moved to approve the minutes of the February 6 council meeting, Mr. Price second, all voted in favor.

Mr. Kochert moved to amend the agenda to hearing the CF-1's prior to communications, Mr. Messer second, all voted in favor.

APPROVAL OF CF-1 FORMS:

S& H Properties, LLC, Compliance with Statement
of Benefits, Referencing R-99-15, R-00-48

Mr. Schmidt moved to approve, Mr. Seabrook second, all voted in favor by show of hands.

Woods Bay Lodging, LLC, Compliance with Statement
of Benefits, Referencing R-98-40

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor by show of hands.

Billie & Gloria Faith, Compliance with Statement
of Benefits, Referencing R-00-22

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor by show of hands.

Glenn G. Hancock, Compliance with Statement
of Benefits, Referencing R-98-33

Mr. Coffey moved to approve, Mr. Messer second, all voted in favor by show of hands.

Jones Popcorn, Inc., d/b/a Clark's Snacks
Compliance with Statement of Benefits, Referencing
R-97-19

Mr. Schmidt moved to approve, Mr. Coffey second, all voted in favor by show of hands.

Lukemeier Enterprises d/b/a/ Limmco, Inc.,
Compliance with Statement of Benefits,
Referencing R-99-06

Mr. Seabrook moved to approve, Mr. Coffey second, all voted in favor by show of hands.

Kenneth & Victoria Koetter d/b/a/ Koetter 4
Properties, LLC, Compliance with Statement
of Benefits, Referencing R-00-25

Mr. Seabrook moved to approve, Mr. Schmidt second, all voted in favor by show of hands.

ICM Corporation d/b/a/ Planet Telecom,
Compliance with Statement of Benefits,
Referencing R-01-02

Mr. Schmidt moved to approve, Mr. Price second, all voted in favor by show of hands.

Robert & Brenda Sprigler d/b/a Sprigler d/b/a
Sprigler Door Service, Inc., Compliance with
Statement of Benefits, Referencing R-00-21

Mr. Seabrook moved to approve, Mr. Blevins second, all voted in favor by show of hands.

Gary Ragsdale d/b/a/ Advance Fabricator, Inc.
Compliance with Statement of Benefits,
Referencing R-96-09

Mr. Schmidt moved to approve, Mr. Messer second, all voted in favor by show of hands.

David & Karen Stemler d/b/a/ P.C. Building
Materials, Inc., Compliance with Statement
of Benefits, Referencing R-04-31 and R-95-19

Mr. Messer moved to approve the CF-1 referencing R-04-31, Mr. Schmidt second, all voted in favor by show of hands.

The Council tabled the CF-1 referencing R-95-19 until they receive further information.

Anderson Rentals, Compliance with Statement
of Benefits, Referencing R-95-21

The Council tabled the CF-1 referencing R-95-21 until they receive further information.

Larry & Brenda Scharlow, Compliance with Statement
of Benefits, Referencing R-01-33

Mr. Messer moved to approve, Mr. Blevins second, all voted in favor by show of hands.

COMMUNICATIONS – PUBLIC:

Lloyd Wimp, 1834 E. Spring, spoke in support of the residents who live in the Daisy Lane, Green Valley Road neighborhood who oppose the McCartin project and asked that the council not to approve the development.

Tim Deatrick, 521 Martin Drive, read documents from Dr. Baker at IUS stating that the University will be assisting the city with the Rule 13 research gathering with the help of 23 volunteer students. He also gave a report on the West Nile Virus Program that the University conducted. Said written statement are on file with the office of the City Clerk.

Carolyn LaDuke, 2408 Trinity Run, spoke to the council against the medical plaza proposed for the corner of Daisy Lane and Green Valley Road.

Paul C. Graf, 104 South Bohannon Lane, stated that he has lived on Bohannon Lane for fifty years and he is opposed to the Daisy Lane project.

Anna Schmidt, 202 Ellen Court, spoke on the topic of unsafe buildings within the community. She gave a written statement stating her suggestions for ways for the different commissions to work together to fund and clean up the unsafe buildings throughout the city. Said statement is on file in the City Clerk's office.

Randy Smith, 2229 E. Elm Street, spoke against the Daisy Lane project for the citizens of New Albany.

Shirley Baird, 27 High Park Drive, addressed the council regarding her opposition to the City funding Studio2000SI. She stated that if the City starts to fund these projects they will have to fund every project that comes along.

Laura Oates, 2408 E. Market, spoke on the issue of the dilapidated houses within the city and the problems with the sewer infrastructure and how these issues effect the economic development of the city. She stated that the EDIT money that is going to be used for the swimming pools at Scribner Place should be used to repair the sewer infrastructure problems. She asked the council to rescind the money for the swimming pool.

Steve Price stated that redevelopment is getting ready to sell 4 houses and they are discussing whether or not it may be an option using the money from these to fund the demolition of unsafe buildings in the city.

COMMUNICATIONS – CITY OFFICIALS:

SEWER BOARD REPORT:

Mr. Fifer appeared and reported on the trip that he and the Mayor took to Washington DC and the trip that he and the sewer board took to Chicago to meet with the EPA. He said that they received a letter from the EPA stating that they should receive the credits applied for but the EPA wants the city to repair the bar screen at the basin 4 lift station prior to those credits being utilized. He gave a brief description as to what the Bar Screen does and why it needs to be repaired. He stated that the Sewer Board had an excellent meeting with the Chicago office of the EPA on February 15. He stated that the Sewer Board requested that they go ahead to access approximately 250,000 credits. The EPA responded that they are going to discuss this for a couple weeks and then contact the Sewer Board with their decision.

There was a lengthy discussion as to the EPA continues to change their sticking point issues for the issuance of credits and how the Sewer Board feel that they have been shooting at a moving target.

Mr. Schmidt reported that it has been brought to his attention that the agenda does not go along with what is in the book and he would like for that to be changed.

Mr. Seabrook stated that he does not have a problem with this but he would like to see more time given to the public. He would like to have the time given at the beginning of the meeting to discuss agenda items only and then add time at the end of the meeting for people who have issues to discuss other issues that are no on the agenda.

There was a lengthy discussion regarding amending the agenda. Mr. Gahan appointed a committee with Jack Messer, Donnie Blevins and Bill Schmidt to look into this issue.

Mr. Schmidt presented a report from Mrs. Garry showing the 2006 individual city employees and their salaries.

Mr. Gahan asked the Mayor when there would be a Storm Water Board put into place.

Mayor Garner stated that the sewer board is willing to give the responsibility away at any time, but he believes the best time to do this would be after the billing begins and the ordinances are passed to do so under either chapter 23 or 25 of Indiana Code.

Mr. Coffey stated that if you are talking about a 6 to 9 month time frame it might be good to put the board together so that they can start to attend the Sewer Board meetings to be brought up to speed.

Jack Messer reported that he attended a UEZ meeting Wednesday and they discussed that they may have monies that could be used for neighborhood beautification and he brought up the need for money to tear down unsafe and blighted buildings. The UEZ is taking this under advisement.

Larry Kochert stated that when he discussed this with the Mayor it was his understanding that the new company would be taking over the payments.

Mayor Garner stated that the amount stated on Resolution R-06-04 is actually twice what it needs to be and needs to be amended. He said that the City will only be paying the spring installment and the new company would be paying the fall.

COMMUNICATIONS – MAYOR:

Mayor Garner reported on the building commissioner not having an actual list of unsafe buildings, but he presented a file box of approximately 56 properties that are under investigation. He stated that starting next week on Tuesdays a task force will be going out to investigate these properties. He also stated that on December 31, 2003 the non-reverting fund for unsafe buildings was left \$65,000 in the red and it is still in the red so any money that is put in will first have to pay off the \$65,000.

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-06-02 Resolution to Fund STUDIO2000SI Price

Mr. Price stated that Mr. Roberts has meetings set up with members of the County Council and this needs to continue to be tabled.

R-06-04 Resolution to Fund Payment of Sanitation Trucks and Kochert
Containers for 2006

There was a lengthy discussion regarding the price for new lids for the garbage cans and whether or not people could go back to purchasing their own cans.

Mayor Garner again stated that the amount on the Resolution needs to be amended to \$213,736.00 to just cover the Spring installment and the new company has agreed to pay the fall installment.

Mr. Schmidt asked if \$213,736.00 would cover the entire Spring installment.

Mayor Garner stated that it would.

Mr. Kochert introduced R-06-04 for reading in its entirety as amended, Mr. Seabrook second, all voted in favor by show of hands.

A-06-02	An Ordinance Amending Ordinance No. A-05-46 Setting Salaries for the Year 2006 for Non- Bargaining Unit Employees	Schmidt 1
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Mr. Schmidt introduced A-06-02 and motioned for the first reading by title only, Mr. Coffey second,

Mrs. Garry explained that the hourly salary that was set last year did not work for Mr. Gibson because he could not find someone to work for less than \$11.50 per hour. She stated that it will not exceed the \$16,000 she will just work fewer hours.

all voted in favor except for Mr. Coffey who abstained.

Z-06-05	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-01-06: Daisy Lane, LLC)	Blevins 1
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Mr. Blevins introduced Z-06-05 and motioned for the first reading by title only, Mr. Schmidt second, all voted in favor.

Mr. Messer asked Mr. Jacobs why this was brought forward with an unfavorable recommendation from the Plan Commission.

Mr. Jacobs stated that the Plan commission voted 6 to 2 against this and he explained the history of the project and stated that he felt members of the commission had made up their minds prior to the meeting.

There was a lengthy discussion regarding the sentiments of the neighbors and what they plan to do to preserve the appearance of the area.

Harold _____, Jacobi, Toombs and Lanz reported on the engineering of the site and the use of the building.

Mr. Seabrook asked who they believe owns the cemetery.

Mr. Jacobs stated that he contacted the Catholic Church and they own the adjacent property.

There was a lengthy discussion as to whether or not all of the property still belonged to the Catholic Church.

Mr. Coffey stated that he has a very difficult time changing a residential area to a PUD area, but he did want to commend them for a very nice presentation.

Mr. Messer stated that as a police officer he knows that this intersection in the next 5 to 10 years it will be overloaded.

Mr. Rosenbarger stated that there was a public hearing on this issue and there was a vote 6 – 2 for an unfavorable recommendation because it did not meet the comprehensive plan.

All voted nay and the ordinance did not pass its first reading.

A-06-01	An Ordinance Amending Ordinance No. A-05-46 Setting Salaries for the Year 2006 for Non-Bargaining Unit Employees	Coffey 2&3
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Mr. Coffey introduced A-06-01 and motioned for the second and third readings by title only, Mr. Schmidt second, all voted in favor. Bill A-06-01 became Ordinance A-06-05.

G-06-02	Stormwater Illicit Discharge Control Ordinance	Kochert 2&3
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Mr. Kochert stated that this needed to be tabled for minor word changes.

Z-06-03	An Ordinance for the Vacation of an Existing Drainage And Utility Easement Pursuant to a Petition Filed by Jesse Ballew	Crump 1
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Mr. Blevins stated that he was tabling this tonight because the petitioner had a previous engagement.

There being no further business before the board, the meeting adjourned at 9:40 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk